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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,410	04/21/2002	Sharon Flank	EMTN.P-001-2	9900
21121	7590	08/11/2005	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,410

Applicant(s)

FLANK ET AL.

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/06/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This is in response to application filed on 04/21/02 in which claims 1-9 are presented for examination.

Information Disclosure Statement

The information disclosure statement filed on May 06, 2002 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Because it has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (US 6038333).

Regarding claims 7, 8 and 9, Wang discloses: A method for use with a system for managing digital media files, the method comprising the steps of: using face recognition to recognize faces portrayed in the digital media files, yielding metadata with respect to the digital media files indicative of the recognized faces (col. 3, lines 20-67, Wang); analyzing the

metadata indicative of the recognized faces to detect duplicate files among the digital media files (col. 3, lines 55-67, col. 6, lines 15-42, Wang);
displaying the duplicate files for a user (col. 6, lines 15-42, Wang).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawton et al. (US 6920610) (Lawton) in view of Scott et al. (US 20020000998) (Scott).

Regarding claims 1 and 4, Lawton discloses: A method for use with a system storing myriad digital media files, the method comprising the steps of: generating myriad first thumbnail images, each first thumbnail image corresponding to one of the digital media files, each first thumbnail image having lower resolution and smaller dimensions than the corresponding digital media file, each first thumbnail image having first dimensions (col. 6, lines 9-24, Lawton);

displaying a subset of the first thumbnail images, the subset comprising more than one and less than all of the myriad first thumbnail images, the subset created as a result of input from a first user (col. 6, lines 38-66, Lawton);

However, Lawton didn't disclose: receiving a configuration command for a second user and generating second thumbnail images and display the results as claimed. On the other hand,

Scott discloses: receiving a configuration command from a second user, the configuration command indicative of second dimensions differing from the first dimensions (paragraphs 0117, Scott);

generating myriad second thumbnail images, each second thumbnail image corresponding to one of the digital media files, each second thumbnail image having lower resolution and smaller dimensions than the corresponding digital media file, each second thumbnail image having second dimensions (paragraphs 0117, 0127, Scott);

displaying a subset of the second thumbnail images, the subset comprising more than one and less than all of the myriad second thumbnail images, the subset created as a result of input from a third user (paragraphs 0126, Scott). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include receiving a configuration command for a second user and generating second thumbnail images and display the results as claimed in the system as taught by Scott, in the system of Lawton. The motivation being enabled the method of encoding thumbnails, where images are compressed and the form of compression enable rapid scaling of the thumbnails using a hierarchical representation to reduce the memory requirements for potentially large numbers of thumbnails.

Regarding claims 2 and 5, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. In addition Lawton/Scott discloses: wherein the first and third users are the same user (paragraphs 0116, 0134, Scott).

Regarding claims 3 and 6, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. In addition Lawton/Scott discloses: wherein the first and third users are different users (paragraphs 0116, 0134, Scott).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
August 3, 2005

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER